

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER S. ORENSHTEYN,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant.

CIVIL ACTION NO. 02 CV 5074 (JFK)
(RLE)

**JOINT PROPOSED REVISED
SCHEDULING ORDER**

Pursuant to the Court's April 25, 2011 Order (D.I. 31) the parties to the above-titled action submit this Joint Proposed Revised Scheduling Order which modifies the Joint Case Management Statement and Order (D.I. 11).

I. Discovery and Scheduling (Rule 26(f)(3)(B))

The parties have agreed to the following remaining pre-trial schedule:

ACTION	OLD DEADLINE	PROPOSED DATE
Parties serve proposed claim construction statements	April 18, 2003	July 15, 2011
Parties serve rebuttal claim construction statements	May 2, 2003	July 29, 2011
Parties serve claim construction expert reports	May 30, 2003	August 26, 2011
Parties serve rebuttal claim construction expert reports	June 27, 2003	September 30, 2011
Depositions of Plaintiff's experts on claim construction to be completed between	July 21, 2003 — August 1, 2003	October 21, 2011 — November 4, 2011
Depositions of Defendant's experts on claim construction to be completed between	August 11, 2003 — August 22, 2003	November 16, 2011 — December 1, 2011

ACTION	OLD DEADLINE	PROPOSED DATE
Parties file and serve opening claim construction briefs	September 12, 2003	December 16, 2011
Parties file and serve rebuttal claim construction briefs on	October 3, 2003	January 13, 2012
Claim construction hearing to be scheduled on or after	November 21, 2003	February 28, 2012
Completion of fact discovery on liability issues	45 days after Court's ruling on claim construction	45 days after Court's ruling on claim construction
Parties serve expert reports relating to liability issues upon which a party bears the burden of proof	30 days after close of fact discovery on liability issues	30 days after close of fact discovery on liability issues
Opposition expert report relating to liability issues upon which a party bears the burden of proof	30 days after the parties serve expert reports relating to the same	30 days after the parties serve expert reports relating to the same
Reply expert reports relating to liability issues upon which a party bears the burden of proof	15 days after the parties serve opposition expert reports relating to the same	15 days after the parties serve opposition expert reports relating to the same
Deposition of Plaintiff's experts on liability may commence	30 days after reply expert reports relating to liability issues and be completed 14 days thereafter	30 days after reply expert reports relating to liability issues and be completed 14 days thereafter
Deposition of Defendant's experts on liability may commence	14 days after completion of depositions of Plaintiff's experts and be completed 14 days thereafter	14 days after completion of depositions of Plaintiff's experts and be completed 14 days thereafter
All expert discovery on liability issues to be completed	Upon completion of the depositions of Defendant's experts	Upon completion of the depositions of Defendant's experts
Defendant's assertion of reliance on opinion of counsel as defense to willful infringement	Within 14 days after the close of expert discovery on liability issues	Within 14 days after the close of expert discovery on liability issues

ACTION	OLD DEADLINE	PROPOSED DATE
Completion of all fact discovery on issues of damages and willful infringement	60 days after close of expert discovery on liability issues	60 days after close of expert discovery on liability issues
Plaintiff's expert reports on issues of damages and willful infringement	30 days after close of facts discovery on such issues	30 days after close of facts discovery on such issues
Opposition expert reports to be served	30 days after Plaintiff's expert reports on issues of damages and willful infringement	30 days after Plaintiff's expert reports on issues of damages and willful infringement
Reply expert reports	15 days after opposition expert reports are served	15 days after opposition expert reports are served
Deposition of Plaintiff's experts on damages and willful infringement may commence	30 days after reply expert reports relating to such issues and be completed 14 days thereafter	30 days after reply expert reports relating to such issues and be completed 14 days thereafter
Deposition of Defendant's experts on damages and willful infringement may commence	14 days after completion of depositions of Plaintiff's experts and be completed 14 days thereafter	14 days after completion of depositions of Plaintiff's experts and be completed 14 days thereafter
All expert discovery on damages and willful infringement issues to be completed	Upon completion of the depositions of Defendant's experts	Upon completion of the depositions of Defendant's experts
Case dispositive motions to be filed and served no later than	45 days after the close of expert discovery on damages and willful infringement	45 days after the close of expert discovery on damages and willful infringement
Motions <i>in Limine</i> to be filed and served	No later than 60 days after the deadline for filing case dispositive motions	No later than 60 days after the deadline for filing case dispositive motions
Pre-trial conference	November 3, 2003	To Be Determined

Dated: May 10, 2011

/s/ Joseph J. Zito

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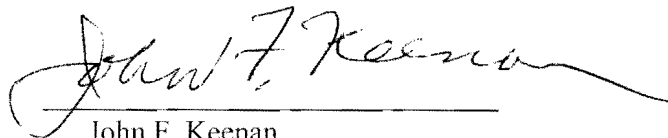
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SO ORDERED this 12 day of May, 2011



John F. Keenan
United States District Judge